G. R. S. IX-5]

Previous references.

L.R. 51. 88

1895-96.

~~192~~

(Land Ledger)

File No 145-95

Serial Nos. 1-8

Later references.

p. 43

GENERAL AND REVENUE SECRETARIAT

Serial No. 1-8

Image ~~Part~~ B for June 1898.

SUBJECT.

Application of Thimmi Gowda, Byrappa Kiranage Bangalore District, relating to a site in the said Kiranage of Agara.

Issued
H. Cunningham

2 4

Before the Government of Mysore.

Appeal No. 47 of 96-97

Appellant. L. R. M. S. Vs. Respondent. S. Pujari Nacasanja

Jinime Gauda
Agara, Bangalore Taluk
(Son Hanumappa)

Notices served

Appltt reported to be dead

28-3-1898

Respondent ~~Parties~~ present, & the appellant being dead, his son Hanumappa present

Reference made to the Muzaraqi Secy

28/3/98

Case reported to 20th June 98

Adjourned to 27th June 98

Notices served.
27.6.98

Parties present
order reserved 27/6/98

2

Posted to the 20th June

Sub to 1st Councillor for perusal

(Note has not been issued to the applicant as the Minister's secretary leaves the matter to be decided by Govt on the records)

21/5/98

9031

21/5/98

Sale (Reg) 11 Dec 1883

Regd confirmed 15 July 1886

Conveyance 6 Jan 1889 land [illegible] not [illegible]

[illegible]

[illegible] Land Tenure [illegible] (1891)

[illegible]

[illegible]

[illegible]

[illegible] 25 July 1894

[illegible]

[illegible]

[illegible] 1883

[illegible]

[illegible]

[illegible] not proved satisfactorily that the [illegible] belongs to Temple. Therefore the claim of the villagers is inadmissible. The Collector to decide under the action requires [illegible] 25/6/98

[illegible]

[illegible] 8/7/98

27.6.98

[illegible] Temple. Therefore [illegible]

Precis

Petn No 3736 of 18-5-96
A.S. No 47 of 96-97

Petr. Irinne Gowda
Patel of Agara
village
Bangalore Dt.

Subject :-
Appeal against the order of the Dy. Comm. Bangalore dtd. 25-5-94, rejecting petr's claim to a piece of land in the Agara village, Bangalore Taluk.

X vacant building site

Facts of the Case

On the 15th of July 1886, Rangappa, Putta Hanumaiah & others of the village Agara in the hobli of Kengeri, Bangalore Taluk, petitioned the Taluk Amildar, complaining that the patel of the said village, by name Hanume Gowda, had purchased from Narasiah, the archak of the Anjaneya temple in the said village, a piece of land measuring 11X12 yds which forms part of the inam vatana of the said temple, for Rs 15 and had also encroached

vide Plaint No 1

upon the adjacent fort-
unoccupied waste. They
further said that the Patel
had since begun to build
on the said site thereby
causing obstruction to the
way, the use of which they
had long been enjoying.

The Commissioner referred
the matter to the Shekdar
for disposal & report.

When an enquiry was
set on foot, the Complainants
produced a copy of the
"Mahanishkraman" acct. of the
Teen Siddhartha & invited
the attention of the Commissioner
thereto in order to prove that
the site in question was
a part of the temple known as
Vatthara. They said that
the Archik had no right
whatever to dispose of such
land & prayed for the
cancellation of the sale.
They further prayed that the
Pujari who was not very
regular in attending upon his
temple duties, may be
removed from his incumbency

vide Point No 5

Vide Plaints No 8, 9 & 10

Thereupon notices were issued & the parties summoned to present themselves before the Commission.

Plaint No 21

Shrine Powda, the petitioner when examined, stated that the site in dispute was a vacant plot attached to the garden No 123 & was purchased by him, along with the garden, from the Rajaguru Ramaiah & his mother Rattamma for Rs 15, on the 11th of Dec 1883 & has been duly registered. He averred that it did not form part of the Sacred Vatthana of the Temple - In order to corroborate his statement, he begged the Commissioners to compare the boundaries as stated in the sale-deed above referred to with those mentioned in the registered sale-deed executed by his brother Ramaiya for a piece of land bought of him for Rs 5 on the 21st of Oct 1885.

On behalf of the Patel, Siddu, Venkata, Rudra & Sinna were examined and all these supported the statement of the Patel that he got the manure filled up by the above-named persons at a cost of six Khandies of ragi & also that he had collected materials to build a house on the said site.

Phanit 47, 48

Rugari was then called upon to depose & he deposed that, being a minor at the time of the sale, he was ignorant of the facts of the case and that he has written only acted on the information given to them by the Patel & that if it should now be decided that the land in dispute was the Inamti Vatthana of the temple, he was ready to take it back, refunding the sale amount to the Patel.

Ph No. 12

7

Plaintiff No 11

24 Complainants produce the original, ~~[illegible]~~ copy, of the Sal Ghasti account of the year 1859-60 wherein the following entry was found "No 6. Ramaiah. North. Attached 1. Incamti Vathan of Hammanta Devan". 2 dimensions were given. Nor was it clear from the above acct. whether the site in dispute was part of the Incamti or not.

Plaintiff No 25

Chikka Bhaswah, former of the village Shanthigrama Lakshmaiah, recalled deposed that the house of the Rajamata stood only on a part of the site Incamti, the remaining portion of it being vacant. That at the time of Lingaiah Vadathi in the year Siddharthi from the house & the vacant site bore the no. 29 and that against the latter, it was noted as forming part of the Temple Incamti House. He was convinced that the land in dispute was the vacant site

above referred to & as such formed part of the Temple Income.

It is to be noted that the account produced by the Jemadar ~~[illegible]~~ is nothing more than a few loose sheets unnumbered, ~~[illegible]~~ ~~first & last pages~~, incomplete & uncertificated. A copy of this is not forthcoming in the Hon. Catchery.

A list was prepared by the Sabah Record Keeper with reference to the account of several years but the acct. of 1859-60 only represent what has been supplied to by the Jemadar & no reference could be obtained in the accts of subsequent years.

The Commissioner therefore decided & ordered on the 6th of July 39 that the land in dispute belonged to Govt & that the Patail should give it up to the Cutchery, recover the sale amount from the latter who been warned against a similar act in future.

Printed No 26

~~Hearing~~

The Government, therefore, appealed to the Dy. Commr of the Rangoon Divn. against the order of the Assistant 2/6-1-89, urging that injustice was done to him by the Assistant and prayed for the cancellation of the said order

Phenit N. 9

The Records connected with the case were ordered to be sent up & when received, the case was referred to the Asst. Commr. on 24-1-92

Phenit 130

The Asst. Commr. who happened to be the same already officer also at the time, asked the Assistant to answer the following questions

Phenit N 35

1. Has the Rotel part of the building yet or not, on the site in dispute?

2. Is the site in dispute Govt.-land or part of Anauk?

3. What is the extent of the site & its probable value?

4. Has the ~~Rotel~~ Rugging paid back the price of the land, in accordance with the Assistant's order 2/6-1-89?

In reply the Considerer re- 23rd July 92
-marked that (1) the Patel had
not owned the building lot, Phiroit No 40
(2) the site in dispute formed
part of Sri Ganesh Vatharam of
the Temple.

(3). The extent was 11X12 yds
+ the value about Rs 20 (Twenty)

(4) The Pujari has not refunded
the sale-amount to the Patel, yet

The Asst. Commr thereupon 24-8-92
asked the Considerer to explain
how it was that the Archak
sold ~~his~~ what was Phiroit No 30
considered as Temple Inam
+ what the Patel had to
say about giving up the
site, he also said that if
the Temple had any Inam ...
Inam, the matter might be
referred to the Inam Dept
for disposing. The considerer
was asked to submit his
own opinion in the matter.

Meanwhile, there had been
a change of Considerers
+ the new considerer
reported as follows.
That, when questioned, the
Archak pleaded ignorance
of the fact that the site sold
him to the Patel was part of the
Temple Sri Ganesh Vatharam.

said that the Patel was ready & willing to give it up if he was paid back the money he paid for it.

The Accounter submitted as his own opinion that the site in dispute was a house-site within the village limits & that it was not entered in the first-rent register, nor could it be found in the Hiranchamar accts. As the assessment on the said site was Rs. 4, he was of opinion that it could not be taken up by the Hiranchamar kept.

What does this mean?

The Syst. Commr was not satisfied with the opinion of the Accounter, vague as it was. ~~and~~ He directed a local enquiry by some responsible Official, in the presence of all parties concerned & to bring the matter up to the notice of the Commissioner, Officer at the time of the Jamabandy.

Page 1 Merit No 3;

The

The Accounter summoned the parties & taken down the depositions of several persons. He also examined the

Merit Nos 38-53

extracts of Khamchamni accounts produced
& the Phanthagyan. He also
has the records in his cutchery
looked up. The opinion
advises that a reference
to the quit rent register has
failed to clear up the doubt
whether the site in question
is mounta or not. Phenit No 57

The Dept. Commr calls for
a plan of the site & the
surroundings. Phenit No 58

On the receipt of a
plan a memo was Phenit No 60
prepared by the Dept. Commr
who considered that the site
in dispute was part of the
Zeemple mounta & was
submitted to the Dr. Commr
for orders.

The Dr. Commr
differed from the Dept. Commr
in the view taken & held
that the site in dispute
was just vacant site
& not a mounta as
no mounta was required
in Pyama Thamas. He
further directed that, if not
wanted for the purposes of
the Temple the site may
be sold by auction for building purposes

The order being communicated to the petr. he applied for copies of this order, memos, description etc. & on obtaining them, he appealed to the Kanzaman Lang against that order. The petr. was informed by an endorsement for the Kanzaman Lang that the matter was one, outside his province & he was told to apply to the proper authorities. 18-8-95

As the last resort, Maung Pinna has appealed to the Court on the following points. 18-5-96

(1) That there are two factions in the village & he belongs to one of them. The original implacements belong to the other party & the present case is the result of ill-feeling between the two.

(2) That the land in dispute does not at all form part of the Sangha Taman but is the property of the Rangoon from whom he has bought.

(3). That in the sale-deed

It has been stated as remarks
- but attached to Sanction no 123
(?) Must be not the said
but filled up at a considerable
cost.

Serial no 59 is a rough sketch of the
Site in dispute & its surroundings.
The site was midway between the
Pujari's house & the temple.
The Pujari & his mother seem to have
been both in the employ of the pattel
- at least thus a Wind-affidavit
from the Pujari's deposition before
the amildar.

The available evidence seems to
show that the site belongs to
the temple - though it may not
have been specifically granted as
Inam. Under GO no 503-4 Muzarai 8/11/97,
it has been ruled that where the temple
has long been in possession of any vacant
site, it should be considered to belong
to the temple. In this case the site
adjoins the temple & the Village Statement
that it has long considered as temple
property. If no 16 of the Soldadi account
does not refer to this site, then there must
be some other "Inam" Vatara belonging
to Hanumanta Devaru" But no reference
to this Vatara is made in the records

Postin the usual course after the
[illegible] concerned
[illegible]
31/2/98

10 book put up

I call for a sketch of the site under the GO dt 15 Dec 1897
2 Pl hold 14-12-98.

[illegible] 5/2/98

Hence by a process of elimination, it seems
possible to identify the no 16 of the
Soldadi account
The rep hung [illegible] 31/1/98
[illegible] the existence of [illegible] in the [illegible]
[illegible] 2/2/98

LR 51-88-95

Before the Government of Mysore.

Appeal No. 47 of 1896-97.

Appellant.	Vs.	Respondent.
Thimme Gauda of Agara Bangalore Taluk		Punjari Narasaiya

Subject:- Dispute regarding a vacant site in the above village -

List English

(1) Appeal tract)

(2) Official

(3) Deputy

(4) Docket ling for a sketch

(5) Sketch

(6) Dy Commr's letter

(7) Precis.

Mean whether Mogri Sey. His said
brother Mogri supply a small
that this simple supply land
mean in the shape of a Mogri
It must be claimed as a Mogri
Jurisdiction - The Mogri Sey will
Kindly state whether he wishes
the simple interests be
represented
another day -
28/10/98

(14)

No. Pet 1226 dated 29-3/1-4/98

Forwarded to the Revenue Dept. for the Mirasidar with reference to the order of the Commissioner.

By order,

(sd) [illegible]

for Secretary

REVENUE DEPARTMENT
No. 8020
MAY 4 1898
Pet 610.
DEWAN'S OFFICE

29/5/98

29. 15/98.

No. 1331 dated 2-5-98/3

Note by the Munsif Secretary

1/4/98

8-4-98

Translation

From the Quit-Rent Register it is observed that the temple is endowed with a small inam land; it is therefore a munsif's duty to institute the question now pending decision is about the proprietary right of the building site which the villagers claim for the temple. If any one should only ask the Talukh Amildar as the local munsif officer to appear at the hearing before Government to represent the temple, the date of hearing and wge what can be said on behalf of the temple but I would rather leave the matter to Government for decision with the records now before them. If the site be finally adjudged as temple property, I then arrange to the land being taken possession of by the Revenue Department on behalf of the temple.

2-5-98

Report put up

6/5/98

Sd/ MG 7.5.98

4.5.98

LR 51-88-95

Before the Government of Mysore.

Appeal No. 47 of 1896-97.

Appellant.	Vs.	Respondent.
Thimme Gauda of Agara Bangalore Taluk		Punjari Narasaiya

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It must be claimed as a Mogri
Jurisdiction - The Mogri Sey will
Kindly state whether he wishes
the simple interests be
represented
another day -
28/10/98

To be presented again
14/5/45

75

After hearing the appellants & the Pujari, the following order was passed

"Please show these papers to the Muzarai Secretary. It is said that this temple enjoys a small inam in the shape of dry land. If so it must be classed as Muzarai institution. The Muzarai Secretary will kindly ~~arrange for~~ state whether he wishes the temple interests to be represented & put for another day."

The Muzarai Secretary writes

* * *

4.

But I would rather leave the matter to Government for decision with reference to the records now before them. If the site be finally adjudged as ~~for~~ temple property, I shall then arrange to the land being taken possession of by the Muzarai Dept on behalf of the temple"

LR 51-88-6

1896 (7)

No. 3736

Name of Petitioner, Thimmegowda Patel

Village, Agara

Taluk, Bangalore

District,

Date of Arzi, 18-5-96

Date of Receipt, 18-5-96

Date of Disposal,

No. of Enclosure, 8 (nine)

ABSTRACT.

Appeal against the order of the Deputy Comr Bangalore dt, in respect of the petitioner's claim to a piece of land bought by him from one Narasiah Gowdah of the Anjanayaswamy temple in the Agara village.

The appeal petn and the order appealed against are in English

19/5/96

Call for report with record

15.9.96

Entry stamped

Not a Council case.

The Dy Comr's order is dated 25/9/95. Petr appealed to the Mysore Secy (Sate not known). But by an order of 25/1/96 petr was informed that an appeal did not lie to the Mysore Govt. The appeal is out of time by about a year 1½ years.

Sub-l
A.S.
21/5/96

The papers in the Mysore Govt to be sent for & represented

22/5/96

Requisition

pub up
23/5/96

Requisition sent to the manager Mysore Secretariat office
23/5/96.

Reply awaited
26/5

The appeal to the Mysore Govt was presented on 28.8.95 i.e. nearly 11 months after the date of the order.

Submit to the Secretary.

[illegible] Petn presented a lengthy petn from a Patel - [illegible] complained that it was a temple land - His complaint petn to the Comr was rejected & held that it was a Gowda land - Hence this appeal

Sd/ [illegible] 17-9-96

T. 3736

COURT FEE ONE RUPEE

18-5-96

COURT FEE ONE RUPEE

18-5-96

Presented by Thimmegowda 18/5/96

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. No. 3736 R.
DATED 18-5-96

Raja Shama Iyenga

J. R. A. Thimmegowda

Councillor to the

Government of Mysore,

Bangalore.

Insufficient C.F. stamp affixed

Pet. 47 of 1896-97

The humble petition of Thimmegowda, Patel of Agara village, in the Bangalore Taluk, respectfully sheweth:—

That on the 11th December 1883 the petitioner purchased a piece of land measuring 11 x 12 yds for building a house from Narasiah, Archak of the Anjaneya Temple in the Agara village and got the sale deed executed and duly registered.

That on the 15th July 1886 i.e. 3 years after one Ranga and other Ryots of the village complained to the Amildar that the land belonged to the Temple and that the Pujari had no right to sell the same. Amildar after enquiry decided on the 6th Jan

that the land below goes to Government is, that the petitioner should not therefore in[illegible] the house thereon and [illegible] he should recover his sale amount from the Sujari.

3. The petitioner appealed against this order to the Dy Commr of the Bangalore District on the 19th March 1891 but the Dy Commr here in Meer Shujaat Ali decided that the land below goes to Government.

This is an appeal brought against that order:

Grounds for appeal:—

1. There are two factions in the village. Consequently the regots through ill-feeling brought the complaint against the petitioner.

The land does not form part of the Temple Inam. It is the private property of the Archak from whom the petitioner bought

In the sale deed it has been stated as a manure pit attached to the garden No 123, which was also bought by the petitioner from the Archak and his brothers, prior to purchase of the pit under dispute.

The petitioner, after fully assuring himself that the manure belonged to the Sujari's personal property, bought it from him got it filled up

filled up at a considerable Cost and necessary materials have been already collected to build a house thereon. The petitioner has a very small house at present which is quite insufficient for his large family.

The petitioner humbly prays that the entire records connected with the appeal may be sent for from the Dy Commr. and his order cancelled. It may also be added that the petitioner appealed to the Inspector Secretary, but received an Endorsement from that Officer informing that the case does not fall under Inspector.

The following Documents are herewith submitted in support of the appeal:—

1 Authenticated Copy of the Government Decision No $\frac{2654}{127}$ dated 4th July 1889

1 Do of the Dy Commr's order under appeal

1 Do of Mr Krishnaswami Naidu's Engineer

1 Original Endorsement issued by the Inspector Secretary

2 Copies of Depositions of Thimmiah & Siddaiah before the Jubah Amildar

1 Copy of the District Magistrate's Judgment dated 10th July 1888

1 Do dated 27th October 1887.

1 Kan: Do of the Dy Commr's order dated 2-2-87.

9

ಬೀರಪ್ಪನ ಹೆಸರು

ಸಹಿ ಮಾಡಿದೆ

Bangalore
18th May 1896

(Signed) Thimme gowda
Patel of Agara
Bangalore Taluk

being utilized as a manure pit attached to garden No. 123.

3. That the appellant is also the purchaser of the garden to which the manure pit is attached.

4 That the appellant purchased the said land with a view to raise a small building thereon, as his present house was not sufficient to meet his purposes, and with this view, filled up the manure pit at a considerable cost, and after having done so, collected materials etc. for building a house.

5. That in 1886 or nearly 3 years after the purchase some of the Villagers, about 7 or 8 persons, who were inimical to the appellant, and who were bent on doing evil to him, presented a petition to the Revenue authorities, urging that the site in question belonged to the temple, that consequently the Pujari had no right to sell it, and that the sale should be cancelled.

6. That the matter was duly enquired into by the Zaloy and the

LR 51-88-7

Memo.

The undersigned requests that the papers relating to the ~~appeal~~ petition of one Timmé gowda Patéla of Agara village Bangalore Dk, No 32 appealing against the order of the Deputy Comr, Bangalore Dt, in respect of his claim to a piece of land bought by him from one Narasiah, archak of the Anjeneyaswami temple in the said village, may be sent to this office for reference.

Disposed of by Sanction No 1002 & 25-2-96 issued from the Inam Department

Papers put up 25/5/96

Chamarajendra Wodeyar
Assistant Secretary
23-5-96

To.

The Manager
Mysore Secretary's office

23/5/96

(3) It has been a customary practice in the Villages to have separate manure pits attached to holdings, and there are similar pits attached to several other holdings.

(4) The land in question is midway between the temple on one side and the Pujari's house on the other, and the piece of land between them was in the enjoyment of the Pujari as manure pit attached to garden No. 123.

(5) The fact of the land being temple Inam, as alleged by the complainant not having been established, the lower court have directed that the land is government land without any evidence whatsoever and the appellant is thereby put to much loss and shame.

The appellant therefore begs that the records may be perused and the order of the lower court reversed and ~~the contained~~ appellant continued in possession of the land, which he has legally purchased and which he has been enjoying for the past 12 years.

I enclosed 5 copies for reference. —

For which act of Kindness I shall ever praise for your honors ~~and~~ long alife and prosperity

Most honored Sir

Signed Temmegowda
Patel

No. 1002
Eng/Urdu

[illegible]

[illegible] 35

[illegible]

[illegible] 322 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

25/2/96

By order

Reg No 322

145

To

Venkayya charlu Esquire
Inazrazi Superintendent
in Mysore

Most respectfully Sheweth

The humble petition of
Tenmegoda Patel of Agara
Village Kengeri Hobli, Bangalore
Taluq.

1. That on the 11th. December 1883, the appellant purchased a piece of land measuring 11X12 yds. for building a house from one Narasia, Archik of the Anjanayaswamy's temple.

2. That the said land was from time immemorial in the possession and enjoyment of the Archik and his ancestors and was

amildar held that the site in question was not Inam but Govt. land and that therefore the appellant was not entitled to it.

7. That the appellant appealed to the Dy. Commissioner against this decision, when it has been decided that no Inams are recognizable in "Grama Jana", and that the land in question cannot also be held as temple Inami, and that it should be sold if not required for temple purposes.

8. That the appellant begs therefore to appeal to your honor in the Muzrai Department against this decision on the following grounds

(1) There is no record to show that the piece of land in dispute was ever considered as Govt. land nor have any body applied for it ever since the appellant has been Potel, but all along it has been in the enjoyment and possession of the Pujari and his ancestors, as manure pit.

(2.) The fact that was so used has been clearly proved the from the statements of the witnesses examined

Pet 481

21-9-96.

191

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

LR 51-88-8

LR 145-95

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition No. 3736 dated 18th May 1896 received at the Dewan's Office from Thimme Gowda of Agara in the Bangalore Taluk appealing against the order of the Deputy Commr. of Bangalore regarding a piece of land purchased by the petitioner from a Pagam in the said village

is forwarded, together with its nine enclosures, to the Deputy Commissioner of the Bangalore District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosures should be returned.

By order,

Draft C 2

21/9

BANGALORE,

For Chief Secretary.

189

Pet 479

M.G.C.P.B.—25-4-95—1,000

LR 51-88-9

Gen. 31 | 1897 | 4371 / 6821

ANS OFFICE

From The Deputy Commissioner Bangalore District

To The Secretary to the Govt of Madras Revenue Department

Dated 14th December 1897

Despatched 15th December 1897

Received

General No.

No. 819

Enclosure No. Record

Lunatic Office Memo Peta d. 21st Sept 1896 481

Reports regarding the petition of Thimmappa of Ojura in the Bangalore Taluk.

Petition 16/12/97

18-12-97

Refer putup

AK 18/12/97

18/12/97 MG

given to Mr Kandaraj Mo with 1 file on 31/1/98 Red back on 28/2/98

Miscellaneous Records

Put up the records relating to Sd. Secretary No 2354 of 4/7/89 (127) Copy of (Judicial No 200 of 1889-90) Copy is in the Records

31/1/98

To Branch Records.

Please put up the reference which were put up with Petition No 1695 of 3.12.90 from Thimmappa Gowda & Ursine the same together with this file to the Secy.

31/1/98

31/1/98

2/2/98

2/2/98 MG

Sub Dy 1st Counter with recs 2/2/98

Rd 7 Rec. 2/2/98

D. No. 819.
Sec. Records

Bangalore District
Deputy Commissioner's Office
Bangalore 14th December 1897.

To,

The Secretary
to the Government of Mysore
General and Revenue Departments

Sir,

With respect to your official memo No. Pet/481 of the 21st September 1896, forwarding for report the petition of Himmegowda of Agara in the Bangalore Talak, I have the honor to state as follows.

2. In the said village the petitioner Himme Gowda, purchased a piece of land measuring 11 by 12 yards for building a house from one Naraciah, Archik of the Anjanegyacarani Temples and his mother Puttamma for Rs. 15/ and obtained

the said deed executed on the 4th December 1883 and duly registered.

3. On the 15th July 1885, Ganga and other ryots of the village complained to the Talati that the Patail (the petitioner) had laid foundation for building a house on the said land, that it belonged to the said temple and that the Pujari had no right to sell the same.

4. The Aminidar after enquiry, decided on the 6th January 1889 that the land belonged to Government, that the patail should not build thereupon and that he should recover the sale amount from the pujari.

5. The patail appealed against this order on the 27th March 1891. The Divisional Officer was of opinion that it had been clearly proved that the land in dispute

belonged to the said temple and wrote accordingly to the Deputy Commissioner. The then Deputy Commissioner was of opinion that no traces of village site were recognizable and the land in question could not be held as temple Inam. He therefore concurred with the Shirastadar in holding the land to be a Government vacant site and decided accordingly on the 25th May, 1894.

6. The petition with its enclosures and the entire record of the case are sent herewith as required.

I have the honour to be,

Sir,

Your most obedient servant,

[signature]

Deputy Commissioner.

hrh.

1898 W 35

From

The Secretary to Govt.
Land and Rev. Depts.

To

The Deputy Commr.
LR 14 Bangalore.
8-4

Dated 8th

Despatched 11th Feb 1898

Received

General No. 7450 P
R No. 757

Enclosure No.

The copy covering letter No. 819 dated 14th December 1897, reporting on the petition of Thimme Gowda of Agara in the Bangalore Dt. requesting his claim to a vacant building site in the said village purchased by him from one Varasiah Kochale.

In returning the papers received with the above for reference and resubmission he has the honor to request that a sketch of the site in dispute and its surroundings may be forwarded at an early date. The Commr's attention is drawn to Govt. Order No. 5234-41 Pet-715 dated 15/7/97.

Dy Commr's
for Secretary

5/2/98

LR 51-88-10

+ ಕೈ-ಸಂಖ್ಯೆ
8-2-98

LR 51-88-11

6550
Pet 480
1897-98

From

The Dy. Commissioner, of the Bangalore District.

To The Secretary to the Govt. of Mysore L. R. & Sts. Department

Dated 9th } March 1898.
Despatched 10th }

Received

General No.
No. 1188.

Enclosure No. 1 Sketch & a file.

Secy's docket No 7450 Pet. 989 of the 5th February 1898.

Resubmits records, relating to the petition of Thimmagowda of Agara in the Bangalore Taluk, re his claim to a vacant building site with a correct sketch of the site in dispute and its surroundings.

Note

11.3.98

Ro and 15/3 Reply put up

14/3/98

D. No. 1188.

Sub / Sketch in file

Bangalore District
Dy. Commissioner's Office
Bangalore 9th March 1898.

To

The Secretary to the Government
of Mysore
Revenue and General Depts.

Sir,

In reply to your Docket No. 7450/989 dated the 8th February 1898, I have the honor to submit herewith a sketch of the site in dispute, as called for. The vernacular papers are herewith resubmitted.

I have the honor to be
Sir
Your most obedient servant

H. Venkatarama

Dy. Commissioner,
Bangalore District.

MWS

38

మోజిలాగర-గ్రామనికేతనదవళనలకరారప్లాన్

పాలపర్తిపేంగిరి - లాబూరపేంగ్రూ

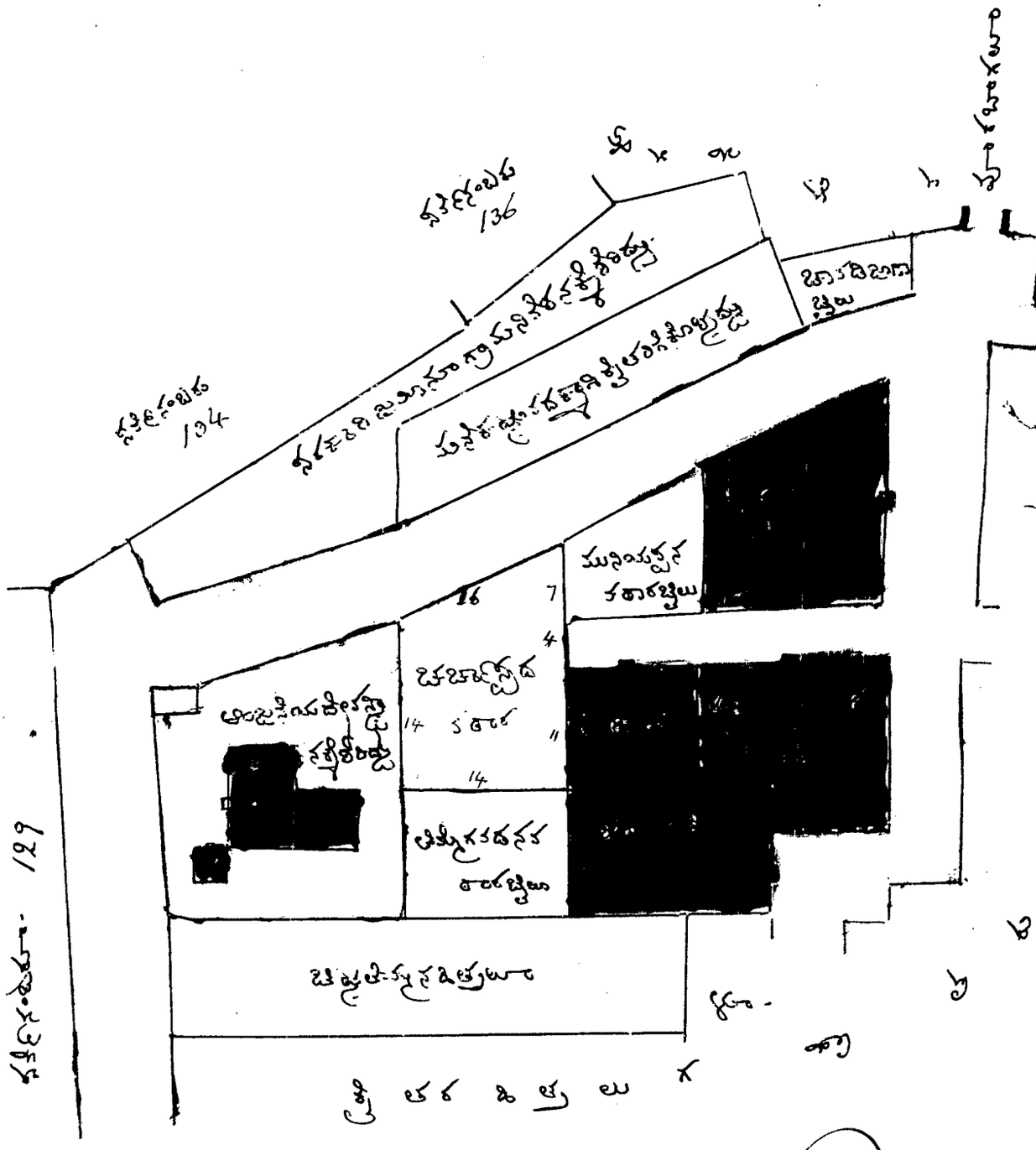
గ్రామదస్తా అన 16 రెవెన్యూ పేజీ ప్లాన్ కూడుచేసి

- కట్టడగళ్ళూ - కట్టేరుపస్థళ
- కస్తేగళ్ళూ
- పశ్చార్వ్యకూడజమీను - లాంబ - కుంబ - సతి కలాగళు
  18 - 15 = 270
- లేంజనేయదేవస్థానదకంబోడుకుల్యాలుళ్ళుకేళి

కానీలాంబకూడేయజ్ఞి
24.2.98.

[illegible]

పేంగిరిగ్రామలెక్కాయి



Mandal of Revenue

3-3-

(13)

LR 51-88-12

39

Before the Government of Mysore.

Appeal No. 47 of 1896-97

Appellant. Vs. Respondent.

Nanne Gowda of Ugina Bangalore Talk

LR 165 Inspection Diaries 826

Subject – Dispute regarding a vacant site in the above village

List of papers in English

(1) Appeal petition (abstract)
(2) Official memorandum
(3) Inspector's report
(4) Docket of Inspector calling for a sketch
(5) Sketch
(6) Inspector's letter
(7) Precis

Commissioner's order

Please send these papers to the Inam Commr. It is said that the temple enjoys a small Inam in the shape of dry land. If so it must be classed as a Inam institution. The Inam Commr. will kindly state whether he wishes the temple interests to be represented and post for another day.

(Sd.) P. N. K.
(do) A. R.
28-3-98

Pet. 1226 d/ 29-3/1-4/98

Transferred to the Secretary to Government Inam department with reference to the order of the Commissioner

By order
(Sd.) M. Rangaraya
Fordy

29/3/98

"Office Copy"

Please list at once

Proceedings of the Govt of Bombay [illegible] Bombay, [illegible] Nov 17

Read:-

(1) Petition of Appeal, No 47 of 1896-97 presented by Timane Gonda of Agara in the Bangalore Taluk against the orders of the Dy Commr of Bangalore, rejecting his claim to a vacant site at Agara;

(2) Correspondence ending with docket No 1188 of 9 March 1898 from the Deputy Commr Bangalore dtd [illegible], forwarding a sketch of the site in dispute

(3) Records of the case from which the facts appear to be as follows:-

The dispute relates to a vacant site, measuring 11 ft by 12 yds ~~which is~~ situated in the village of Agara Bangalore Taluk, which appellant Timane Gonda purchased ~~it~~, in 1883, for Rs 15 from respondent Narasinga, Pujari of the Anjaneya temple in the said village ~~for Rs 15~~, when he (Timane Gonda) began to build upon it in 1886, ~~thereupon~~ the villagers

L.R. 51-8-14

Draft for approval
Sub^d to Rev C^n E^d
9/7/98

11/7/98

Submitted to the Commission
15/7/98
9306/app
15.7.98

Issue as and when printed as modified in [illegible]

16/7/98
[illegible]
16/7/98

* Press copy [illegible] 26-7 [illegible] 26/7/98

complained ~~of the appellants~~ ~~action~~, claiming the site as Inam belonging to the Anjaneya temple. ~~After enquiry~~ the Arbitrator decided in January 1889 that the site belonged to Govt. and that Irinne Gowda should not interfere with it, but might recover the purchase money from the Pujari. ~~The~~ ~~arbitrator~~ further ~~had~~ ~~with it~~. Irinne Gowda's ~~preferred an~~ appeal against the above decision was referred by ~~to~~ the Dy. Commr. to the Asst. Commr. who, in 1892, ~~to whom the appeal was referred enquired into the matter~~ and submitted ~~in 1892, a memo to the Dy. Commr.~~ ~~giving it as~~ his opinion that the site in question was temple Inam and that the Pujari was wrong in having purchased it from the Pujari. ~~But~~ The Dy. Commr., however, held that no Inams in village sites were recognizable, that the site could not be

considered as temple Inam and that it [illegible] a [illegible] vacant site. He reserved the question, whether the site should be set apart for the use of the temple or should be given out for building purposes, for further enquiry. Irimegonda's appeal is against the above order.

(14) No. 525 / P.73-98 } 19.7.98 / 20

Order:

Govt. observe that it is not proved satisfactorily that the site belongs to the temple. The claim of the villagers ~~that the site belongs to the temple~~ is therefore inadmissible. The Dy. Commr. will make a further enquiry ~~regarding the question~~ as to whether the appellant has acquired a right of occupancy against Government in dispute to the site and dispose of the case under Sections 136 & 37 of the Land Rev. Code.

Resmt.

Secretary

To
The Dy. Commr.
Bangalore

Post with file

(15)

2 నెలల్లో

నెంబరు 4547 / 3736 P2 తేదీ 20/7/75

మీ నిర్ణయాలు తగు చర్యకై ఇవ్వబడినవి.

LA 51 - 75

[illegible] 5 రోజులలో [illegible] నివేదించగలరు.

[illegible] అధికారులు [illegible] ఉప్పు [illegible] ఆంధ్రప్రదేశ్ [illegible] పరిశ్రమలు [illegible] అధికారులతో [illegible] 18-5-75 న [illegible] అధికారులు [illegible] పరిశ్రమల [illegible] నష్టపరిహారం [illegible].

[illegible] నష్టపరిహారం [illegible] పరిశ్రమల [illegible] తేలినట్లు, [illegible]

లాంపు రిలిస్టు నెం. 136 & 37లో నమోదైన [illegible]

[illegible]

[illegible] వారికి [illegible] తెలియజేయడమైనది.

[illegible] 1898లో

[illegible]

By Order

Draft:

For Secretary.

[illegible] 20-7-98

[illegible]

వెరా...

18/7/98.

By Order

For Secretary.

8/7/98